

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JESSIE MULLINS,
Petitioner,

Case No. 1:12-cv-255

vs

Dlott, J.
Bowman, M.J.

WARDEN, LEBANON CORRECTIONAL
INSTITUTION,
Respondent.

ORDER

On April 5, 2012, the undersigned issued a Deficiency Order in this habeas corpus action filed *pro se* pursuant to 28 U.S.C. § 2254, directing the petitioner to either pay the \$5.00 filing fee or submit an application and affidavit to proceed *in forma pauperis* within thirty (30) days. (Doc. 2). Petitioner was also ordered to submit a summons form and a United States Marshal form for the respondent named in this lawsuit, as well as two additional copies of the petition, within the requisite thirty-day period. (*Id.*). This matter is now before the Court on petitioner's response to the Deficiency Order, which was filed on April 12, 2012. (Doc. 4).

Petitioner states in the response that his sister will pay the \$5.00 filing fee. It appears from the Court's docket records that the fee has not yet been paid. Petitioner is hereby **NOTIFIED** that if the fee is not submitted to the Clerk's Office within the requisite 30-day period set forth in the April 5, 2012 Deficiency Order, this case shall be dismissed.

In addition, petitioner has correctly pointed out in the response that he is not required to submit any summons or United States Marshal forms in this § 2254 habeas corpus action. Therefore, it is **ORDERED** that petitioner need not submit those forms, as previously ordered, in order to comply with the April 5, 2012 Deficiency Order.

Finally, petitioner states that he lacks sufficient funds to make extra copies of the petition as he was directed to do in the Deficiency Order. The extra copies of the petition are required for service purposes. Because petitioner has averred that he typed and signed two identical copies of the petition and sent one of those copies to the Ohio Attorney General, the Court will not require petitioner to submit even more copies of the petition in this particular case. Therefore, it is **FURTHER ORDERED** that payment of the filing fee is all that is required at this juncture for petitioner to comply with the April 5, 2012 Deficiency Order.

IT IS SO ORDERED.

/s/ Stephanie K. Bowman
United States Magistrate Judge